



170

## PATENTS

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*In re* Application of )  
Norman ABOOD, et al. ) Group Art Unit: To Be Assigned  
Serial No. 10/728,946 ) Examiner: To Be Assigned  
Filed: December 8, 2003 ) Attorney Docket No. 161765.00003  
For: 2-AMINO-BENZOXAZINONES FOR THE )  
TREATMENT OF VIRAL INFECTIONS )

### **SECOND REQUEST FOR CORRECTED FILING RECEIPT AND SUBMISSION OF SUPPLEMENTAL APPLICATION DATA SHEET**

#### **Attention: Office of Initial Patent Examination's Filing Receipt Corrections**

U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, Virginia 22314

Sir:

In response to the Response to Request for Corrected Filing Receipt dated December 10, 2004, Applicants request a corrected filing receipt in view of an error in the original. For the convenience of the Patent and Trademark Office, a photocopy of the original receipt with the error noted in red accompanies this request, along with a copy of the Response to Request for Corrected Filing Receipt.

Applicants request that a corrected filing receipt be issued to correct the "Domestic Priority data as claimed by applicant" to include the earliest claimed priority date. A Supplemental Application Data Sheet is being submitted concurrently herewith. The complete data as shown on the Supplemental Application Data Sheet is as follows:

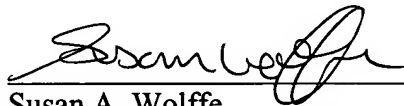
Serial No. 10/728,946

This Application	Continuation of	10/035,433 now USP 6,683,077	01/04/02
10/035,433	Continuation of	09/502,038 now USP 6,380,189	02/11/00
09/502/038	Continuation of	08/952,624 now Abandoned	05/15/98
08/952,624	National Stage of	PCT/US96/07526	5/23/96
PCT/US96/07526	An application claiming the benefit under 35 USC 119(e) of	08/448,795 now USP 5,985,872	5/24/95

We believe no fee is due in connection with this request. If a fee is due, please charge  
our Deposit Account No. 19-0733.

Respectfully submitted,

Date:

By:   
Susan A. Wolfe  
Registration No. 33,568

Banner & Witcoff, Ltd.  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/728,946	12/08/2003	Norman Abood	161765.00003

22907  
BANNER & WITCOFF  
1001 G STREET N.W.  
SUITE 1100  
WASHINGTON, DC 20001

CONFIRMATION NO. 9016



\*OC000000014726917\*

Date Mailed: 12/10/2004

161765.00003  
**RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT**

**Domestic Continuity and Foreign Priority**

DEC 13 2004

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- ☐ The priority or continuity claim has not been entered because it was not filed during the required time period. Applicant may wish to consider filing a petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55 or 1.78.
- ☒ Continuity claimed under 35 U.S.C. § 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification. *08448795*
- ☐ A claim for priority cannot be made based on an application filed after the application making the claim.
- ☐ Domestic benefit and foreign priority claims will not be captured in a provisional application. A provisional application is not entitled to a right of priority or to the benefit of an earlier filing date of any other application. See 35 U.S.C. § 111(b)(7) and 37 CFR 1.53(c)(4).
- ☐ A domestic continuity claim cannot be made to a foreign application and the filing receipt will only list the foreign country, application number, and filing date.
- ☐ Foreign priority will appear on the Filing Receipt in the following order: **Country, Application number, Filing date.**
- ☐ This application is the result of a conversion from a provisional application. Priority based on such application cannot be made since it no longer exists as a provisional application.

- ☐ The application(s) to which priority is claimed were filed over a year prior to the filing date of this application. Therefore, the referenced application(s) cannot be claimed as domestic or foreign priority.
- ☐ To change the benefit claim of a U.S. prior-filed application, applicant must amend the first sentence of the specification (if the benefit claim is referenced in the specification), or provide a supplemental application data sheet (ADS) (if the benefit claim was submitted in an ADS), with the desired benefit claim. Note that once a benefit claim is deleted, applicant will not be able to claim such prior-filed application again, if the above-identified application was filed on or after November 29, 2000.
- ☐ To change a foreign priority claim, applicant must submit a supplemental oath or declaration (if the priority claim is referenced in the oath or declaration), or a supplemental application data sheet (ADS) (if the priority claim was submitted in an ADS), with the desired priority claim. If a supplemental ADS is submitted, any deletions should be shown with strikeouts. Note that once a priority claim is deleted, applicant will not be able to claim such foreign application again, if the above-identified application was filed on or after November 29, 2000.

\_\_\_\_\_  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/728,946	12/08/2003	2113	1060	161765.00003		9	1

22907  
BANNER & WITCOFF  
1001 G STREET N W  
SUITE 1100  
WASHINGTON, DC 20001

CONFIRMATION NO. 9016

## FILING RECEIPT



\*OC000000014118997\*

Date Mailed: 10/19/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

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161765.00003  
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OCT 21 2004

BANNER &amp; WITCOFF

Reid aka

## Assignment For Published Patent Application

G.D. Searle &amp; Co., Chicago, IL

Power of Attorney: The patent practitioners associated with Customer Number 22907.

## Domestic Priority data as claimed by applicant

This application is a CON of 10/035,433 01/04/2002 PAT 6,683,077  
which is a CON of 09/502,038 02/11/2000 PAT 6,380,189  
which is a CON of 08/952,624 05/15/1998 ABN  
which is a 371 of PCT/US96/07526 05/23/1996

which is an application claiming the benefit under 35 USC 119(e) of  
08/448,795 05/24/95 PAT 5,985,872

## Foreign Applications

If Required, Foreign Filing License Granted: 10/18/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/728,946**

Projected Publication Date: 01/27/2005

Non-Publication Request: No

Early Publication Request: No

**Title**

2-amino-benzoxazinones for the treatment of viral infections

**Preliminary Class**

714

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

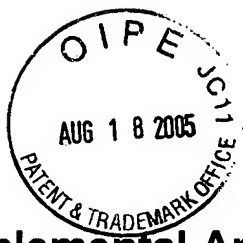
The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



## **Supplemental Application Data Sheet**

### **Application Information**

Application number::	<u>10/728,946</u>
Filing Date::	<u>12/08/03</u>
Application Type::	Regular
Subject Matter::	Utility
Suggested classification::	
Suggested Group Art Unit::	
CD-ROM or CD-R?::	None
Number of CD disks::	
Number of copies of CDs::	
Sequence submission?::	
Computer Readable Form (CRF)?::	
Number of copies of CRF::	
Title::	2-Amino-Benzoxazinones for the Treatment of Viral Infections
Attorney Docket Number::	161765.00003
Request for Early Publication?::	NO
Request for Non-Publication?::	NO
Suggested Drawing Figure::	
Total Drawing Sheets::	
Small Entity?::	NO
Latin name::	
Variety denomination name::	
Petition included?::	NO
Petition Type::	
Licensed US Govt. Agency::	
Contract or Grant Numbers::	
Secrecy Order in Parent Appl.?::	NO

## **Applicant Information**

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### Correspondence Information

Correspondence Customer Number:: 22907

### Representative Information

Representative Customer Number:: 22907

### Domestic Priority Information

Application::	Continuity Type::	Parent Application::	Parent Filing Date::
This Application	Continuation of	10/035,433 <u>now</u> USP 6,683,077	01/04/02
10/035,433	Continuation of	09/502,038 <u>now</u> USP 6,380,189	02/11/00
09/502/038	Continuation of	08/952,624 <u>now</u> <u>Abandoned</u>	05/15/98
08/952,624	National Stage of	PCT/US96/07526	5/23/96
PCT/US96/07526	<del>Non-Provisional of</del> <u>An application</u> <u>claiming the benefit</u> <u>under 35 USC 119(e)</u> <u>of</u>	08/448,795 <u>now</u> USP 5,985,872	5/24/95

## Foreign Priority Information

Country::	Application number::	Filing Date::	Priority Claimed::

## Assignee Information

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City of mailing address:: Chicago

State or Province of mailing address:: Illinois

Country of mailing address:: USA

Postal or Zip Code of mailing address:: 60680